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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,173	09/17/2003	Sheila Farrokhlaee Kia	GP-302380	3329

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KATHRYN A MARRA  
General Motors Corporation  
Legal Staff, Mail Code 482-C23-B21  
P.O. Box 300  
Detroit, MI 48265-3000

EXAMINER

LEADER, WILLIAM T

ART UNIT	PAPER NUMBER
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1742

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/664,173

Applicant(s)

KIA ET AL.

Examiner

William T. Leader

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 4-6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 10, 2006 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakamura et al (US 2003/0201182).

4. The Nakamura et al patent application publication is directed to a method for coating an automobile body. The method is for coating an outer plate area and/or an inner plate area of an automobile body comprising an aluminum material (paragraph [0011]). The aluminum workpiece may be pretreated (paragraphs [0113] to [0117]) and anodized. The anodizing treatment may include, for example, a sulfuric acid process and an oxalic acid process (paragraph

[0118]). The anodized film may be colored by an electrolytic coloring method. The electrolytic bath used in the coloring step contains a metal salt such as a nickel salt, a copper salt, a tin salt or a cobalt salt (paragraph [0135]). The anodizing step is illustrated in example 111 (paragraph [0316]). After pretreatment, an aluminum plate was anodized in a sulfuric acid aqueous solution to form a 10  $\mu\text{m}$  thick anodized film. The electrolytic coloring step is illustrated in example 120 (paragraph [0332]). The aluminum material anodized as in example 111 was subjected to an alternating current electrolysis in a nickel sulfate aqueous solution to obtain a bronzed colored aluminum workpiece. The colored aluminum workpiece was then subjected to a sealing treatment with deionized water at 80°C or higher. All process steps recited in instant claims 1 and 7-10 are disclosed by Nakamura et al.

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Yoshida et al (4,024,039) and Bartkowski et al (5,102,508).

8. The admitted prior art is that found in applicant's specification under the heading "Background of the Invention" and shows that it is known to form vehicle bodies with all aluminum alloy external panels and to paint these panels.

9. The process recited in independent claims 1 and 7 differs from the process of the admitted prior art by coloring aluminum body panels by electrolytic coloring rather than painting. The Yoshida et al patent is directed to electrolytic coloring methods for aluminum and aluminum alloys. Yoshida et al discloses that it is known to color aluminum workpieces by several different processes. These processes include painting and electrolytic coloring. See column 1, lines 22-68. Thus, painting and electrolytic coloring are recognized as known alternatives for coloring aluminum. A preferred method of electrolytic coloring includes the steps of anodically oxidizing the aluminum workpiece (column 2, line 63 to column 3, line 7) and after the anodic oxidation, the subjecting the workpiece to alternating current in an aqueous solution of one or more salts of one or more metals of Group VIII of the periodic table. Especially desirable metals of the salts are iron, cobalt and nickel (column 3, lines 8-14).

10. The Bartkowski et al patent is directed to a method of producing colored surfaces on aluminum parts. Bartkowski et al teaches that the method may be carried out on parts used in automobile manufacture (column 1, lines 11-18). The process includes the steps of cleaning and

anodizing the parts and then electrolytically coloring. See the abstract. The electrolytic coloring step may employ a bath comprising tin sulfate, sulfuric acid and benzene sulfonic acid (column 3, lines 7-10).

11. The prior art of record is indicative of the level of skill of one of ordinary skill in the art. It would have been obvious at the time the invention was made to have modified the process of the admitted prior art by electrolytically coloring a vehicle body structure rather than coloring by painting because electrolytic coloring is recognized as an alternative to painting as shown by Yoshida et al and standard electrolytic coloring is suitable for parts used in automobile manufacture as taught by Bartkowski et al.

12. With respect to claims 8-10, Bartkowski et al teach that the anodized parts are colored by electrolytically depositing tin in the pores of the oxide (column 3, lines 5-20).

13. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Yoshida et al (4,024,039) and Bartkowski et al (5,102,508) as applied to claims 1 and 7-10 above, and further in view of Gruninger (4,648,911).

14. Claim 2 recites the additional step of cold sealing. Gruninger teaches a process for sealing the surface of anodized aluminum parts comprising treating the an anodized aluminum surface with a solution containing at least one nickel salt and at least one fluoride at a temperature below 30°C (column 2, lines 1-7). It would have been obvious at the time the invention was made to have included a step of cold sealing as taught by Gruninger because it does not result in bath contamination and gives outstanding sealing (column 1, lines 57-63).

15. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Yoshida et al (4,024,039) and Bartkowski et al (5,102,508) as applied to claims 1 and 7-10 above, and further in view of Gruninger (4,648,911) and the Lowenheim text

*Electroplating.*

16. Gruninger is taken as in the previous paragraph. The Lowenheim text teaches a method for hot sealing anodized aluminum parts comprising immersing the parts in distilled or deionized water at a temperature of 98-100°C (page 463, paragraph 8 to page 464, paragraph 3). It would have been obvious at the time the invention was made to have included sealing as taught by Gruninger and Lowenheim because an aluminum workpiece having improved utility and greater performance would have been obtained (note Lowenheim page 463, paragraph 2).


17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Buchmeier et al (4,877,495) is directed to a method for coloring aluminum. Buchmeier et al describe an electrolytic coloring process in which an oxide layer is formed by anodic oxidation and metal particles of electrolytically deposited in the pores of the oxide layer. Buchmeier et al observe that by virtue of their advantages, such as relatively high light stability and weather resistance, electrolytic coloring process are largely used for coloring aluminum which is to be used in the architectural field.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William T. Leader whose telephone number is 571-272-1245. The examiner can normally be reached on Mondays-Thursdays and alternate Fridays, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King, can be reached on 571-272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
William Leader  
September 27, 2006

  
**ROY KING**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 1700**